

E-Filed 11/12/09

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,

No. C 09-03814 RS

Plaintiffs,

**ORDER RE MOTION TO ENLARGE
TIME**

v.

SWISH MARKETING, INC., et al,

Defendants.

The hearing presently set for December 16, 2009 in this matter is intended to address the question of whether this litigation should go forward under a normal schedule or whether it should instead be deferred, either for a short period of time or indefinitely, pending developments in, or possibly resolution of, the litigation between the parties in the District Court for the District of Columbia. Because the issues presented appeared more involved than those ordinarily resolved on a Rule 6-3 motion, the Court set a hearing date and a schedule for further briefing. Doing so necessarily results in some delay in these proceedings, but should the Court ultimately conclude that this case should proceed without regard to the status of the DC proceeding, there will have been less

1 delay than if the open-ended extension requested by defendants had been granted. Pending further
2 order, defendants need not file a response to the complaint.

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4 IT IS SO ORDERED.

5 Dated: 11/12/09



6 RICHARD SEEBORG
7 UNITED STATES MAGISTRATE JUDGE
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